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February 15, 2008

VIA E-FILING AND HAND DELIVERY

The Honorable Joseph J. Farnan, Jr.
United States District Court
J. Caleb Boggs Federal Building
844 N. King Street
Lock Box 27
Wilmington, DE 19801

RE: *Chriss W. Street v. End of the Road Trust, et al.*
Case No. 07-cv-65 (JJF)

Dear Judge Farnan:

Bayard represents the Plaintiff, Chriss W. Street in the above-referenced action. We respectfully seek the Court's assistance regarding Mr. Street's Motion to Remand to Court of Chancery of the State of Delaware and for Abstention Under 28 U.S.C. § 1334(c) (the "Motion to Remand").

By way of brief background, in January 2007, Mr. Street commenced this action in the Chancery Court of the State of Delaware (the "Chancery Court") seeking advancement of fees and expenses to cover, *inter alia*, the litigation costs that he is incurring in an adversary proceeding commenced against him in his former capacity as trustee of The End of the Road Trust and an officer of American Trailer Industries, Inc. in the United States Bankruptcy Court for the District of Delaware (the "Bankruptcy Proceeding"). The Defendants in this action are the Plaintiffs in the Bankruptcy Proceeding and Mr. Street has contractual rights to advance payment of these costs under certain agreements with the Defendants.

In February 2007, the Defendants removed the Chancery Court action to the District Court. On February 14, 2007, Mr. Street filed the Motion to Remand seeking to remand the action to the Chancery Court, where such actions are accorded expedited treatment. *See Homestore, Inc. v. Tafeen*, 888 A.2d 204, 231 (Del. Super. 2005), a copy of which is attached hereto. The Motion to Remand has been fully briefed since June 10, 2007, including a surreply and response to a surreply that were authorized by The



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Honorable Mary Pat Thyng. In September 2007, Magistrate Judge Thyng offered to decide the Motion to Remand if the parties consented, but the Plaintiffs were unwilling to do so.

Since June 10, 2007, activity in the Bankruptcy Proceeding has increased exponentially. The parties are engaged in fact discovery which is extensive for Mr. Street because of the scope of the claims and defenses asserted in the Bankruptcy Proceeding and because he turned over virtually all relevant documents in his possession to the Plaintiffs (the Defendants before Your Honor) when he resigned as trustee of The End of the Road Trust. To date, Mr. Street has served a significant number of discovery requests, including requests for production of documents on the Plaintiffs, as well as approximately 30 third-party subpoenas. He has been served with three sets of written discovery requests and has had to incur travel costs to review the documents in the Plaintiffs' control located in California, Minnesota and Mexico. Mr. Street has been forced to prosecute and defend (successfully) numerous motions related to the discovery. In addition, Mr. Street anticipates at least ten depositions of fact witnesses, as well as expert discovery.

Mr. Street has incurred and paid legal fees and expenses in regard to the Bankruptcy Proceeding and other matters for which he is entitled to advancement under the agreements in excess of \$750,000. As a result of these considerable costs, Mr. Street has sold his residence to obtain funds necessary to defend the Bankruptcy Proceeding. Any further delay in the process to a final decision on Mr. Street's advancement claim may seriously and adversely affect Mr. Street's ability to defend himself. Therefore, Mr. Street respectfully requests that Your Honor consider and decide the Motion to Remand at Your Honor's very earliest convenience.

Counsel is available at the convenience of the Court to discuss this matter further.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Charlene D. Davis'.

Charlene D. Davis

CDD/ABS

cc: Neil B. Glassman, Esquire
Ashley B. Stitzer, Esquire
Scott G. Wilcox, Esquire
Phillip Greer, Esquire (Via Email)
David L. Finger, Esquire (Via Email and U.S. Mail First Class)
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